THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

WRIT APPEAL No.1434 OF 2005

Date: 02.08.2005

Between

Pangam Rambabu ..Appellant/writ petitioner.

AND

The Executive Officer,

Sri Bala Venkateswara Swamy Temple

Padiparru, Tanuku Mandal,

West Godavari District.

…Respondent/Respondent.

JUDGMENT: (Per MVR,J)

The writ appeal is filed with the following prayer:

> *"….allow the appeal by setting-aside the orders of learned single Judge in W.P.No.16857/2005, dated:*
> *29-7-2005 and to allow the Writ Petition as prayed for .."*

The appellant/writ petitioner claims to be a small farmer and eking out his livelihood as an agriculturist. An auction notice dated 22.07.2005 was issued for holding auction of lands belonging to Sri Bala Venkateswara Swamy Vari Devastanam, on 02.08.2005, in an extent of Acs.2-79 cents in survey No.35/4 and Acs.2-23 cents in survey
Nos.38-8B and 31-8C of Pydiparru village, Tanuku Mandal, West Godavari district, by the respondent herein. The proposed auction is for the years from 2005-06 to 2007-08. The appellant/writ petitioner's case is that earlier to the proposed auction, one auction schedule to be held on 21.07.2005 was cancelled arbitrarily. In the impugned auction notice dated 22.07.2005 a new condition was imposed that participants shall deposit at the rate of Rs.450/- per bag for one year in advance.

The sole contention of the learned counsel for the appellant/writ petitioner is that the above said condition of requiring deposit of Rs.450/- per bag for one year is onerous and it would prevent the poor agriculturists from participating in the auction.

We do not see any force in the contention of the learned counsel for the appellant for the reason that a lease is purely contractual in nature and the respondent cannot put his own terms and conditions for bidders intending to participate in the auction. It is not the contention of the learned counsel for the appellant that the condition imposed is against law. Thus, we do not see any reason to interfere with the order of the learned single Judge and the appeal is liable to be dismissed.

In the result, the writ appeal is dismissed, but in the circumstances without costs.

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J.CHELAMESWAR, J.

Date: 02/08/2005

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M.VENKATESWARA REDDY, J.

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